

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08-CV-198-DCK**

| | | |
|--|---|---------------------|
| LEAH BURGIN and BOBBY BURGIN, |) | |
| <i>Individually and as Administrators of the</i> |) | |
| <i>Estate of Jaycee Burgin,</i> |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| SAGEBRUSH OF NORTH CAROLINA, LLC, |) | |
| SAGEBRUSH/TENNESSEE, LLC, |) | |
| SAGEBRUSH STEAKHOUSE, and HOLTON |) | |
| MEAT, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |

THIS MATTER IS BEFORE THE COURT on “Plaintiffs’ Motion For Leave To Conduct Limited Discovery Pursuant To Rule 26(d)” (Document No. 16), filed July 7, 2008; “Defendants ...Response To Plaintiffs’ Motion...” (Document No. 17), filed July 21, 2008; and “Plaintiffs’ Reply In Support...” (Document No. 21), filed August 1, 2008. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and this motion is now ripe for disposition.

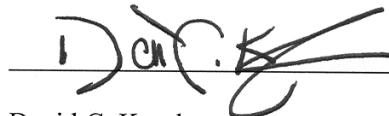
Having carefully considered the arguments, the record, applicable authority, and the comments of counsel during a telephone conference conducted on September 9, 2008, the undersigned will grant the motion for limited discovery.

The Federal Rules of Civil Procedure provide in pertinent part that “A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” Fed.R.Civ.P. 26(d)(1). In this case, the undersigned finds

that early discovery on the limited issue of identifying other necessary and potentially liable parties is appropriate and will order that Defendants respond immediately to Plaintiffs' interrogatories and requests for production. See (Document No. 16 at 6-14).

IT IS, THEREFORE, ORDERED that "Plaintiffs' Motion For Leave To Conduct Limited Discovery Pursuant To Rule 26(d)" (Document No. 16) is **GRANTED**. Defendants shall respond to Plaintiffs' interrogatories and requests for production on or before **September 23, 2008**.

Signed: September 9, 2008



David C. Keesler
United States Magistrate Judge 